

*Board of Zoning Appeals  
Thursday, July 20, 2006  
Regular Meeting - 10:00 A.M.  
Phone # (937) 328-2495*

*Springview Developmental Center  
Administration Building  
3103 E. Main Street  
Springfield, Ohio 45505*

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# *AGENDA*

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- |    |   |                        |
|----|---|------------------------|
| 1. | Minutes - June 15, 2006   | Discussion &<br>Action |
| 2. | BZA-2006-5 - Conditional Use<br>Barrett Paving Materials, Inc.<br>10658 Haddix Road<br>Mad River Township | Discussion &<br>Action |
| 3. | Adjournment   | Action                 |

## Minutes

### Board of Zoning Appeals

Regular Meeting  
Thursday, June 15, 2006

Springview Development Center  
Administration Building  
3130 E. Main Street  
Springfield, Ohio 45505

Vice-Chairman Foster called the meeting to order at 10 a.m.

Present: Mr. Rich Foster, Mr. Wilfred Potter, Mr. Lonnie Barclay, and Mr. Marvin Berschet.

Absent: Mr. Allen Perkins

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

#### BZA-6-13-06 ~ Minutes ~ April 20, 2006

Motion by Mr. Potter, second by Mr. Berschet to approve the minutes as printed.

**VOTE: Motion carried unanimously.**

#### BZA-2006-04 ~ Conditional Use ~ Larry Anderson ~ 5500 Old Lower Valley Pike ~ Bethel Township.

Mr. Daniels explained the applicant was seeking a Conditional Use of Chapter 2, Section A, Chapter 7, Section 127 of the Clark County Zoning Resolution. Said section requires conformance with conditionally permitted uses for private and public outdoor recreation areas. Granting the request would permit the operation of a pay fishing lake on approximately two acres, with a bait house. There will be a bait house somewhere on the property, location is not known at this time. Mr. Anderson is entitled to one accessory building. The bait house will have to go through the Building Department and meet the flood plain regulations, since it is in the flood plain. He also owns the property located to the west of the proposed conditional use and since he has purchased the properties, he has done an outstanding job of cleaning up the properties. The property to the west is zoned I-1 (Industrial) and the fishing lake is zoned A-1 (Agricultural) The Health Department sent a letter stating he can have port-o-johns located on the property.

Vice-Chairman Foster commented when he located the property on the county's website, the property is in Dave's Trucking and Auto Paint name. He wondered if Mr. Anderson was buying the property on land contract and why the property was under someone else's name?

Mr. Anderson explained he was buying the property on land contract from the previous owner.

## Minutes

### Board of Zoning Appeals

Mr. Daniels explained the property owner names wouldn't change until Mr. Anderson has fully purchased the property and then it will be put in his name. The land contract is filed with the Recorder's office.

Vice-Chairman Foster commented he had some difficulties finding the address that was the reason he looked it up on the web site.

Vice-Chairman Foster swore everyone in.

Mr. Anderson, 804 Old Mill Road, the applicant. He felt the fishing lake would be an asset to the community. There will not be any drugs or alcohol allowed on the premises. He felt it will be good place for the youth in the community to go and have fun without getting into trouble.

Dixie Gergal, 1206 Burket Ave, New Carlisle, a representative for the Lower Valley Scenic Byway, commented that Mr. Anderson has already been a valuable asset to the community with just cleaning up the property. She feels the fishing lake will be a great asset and hopes things continue to go well.

Vice-Chairman Foster closed the public hearing (no opposition) and asked for a motion.

#### BZA-6-14-06 ~ Conditional Use ~ Larry Anderson ~ 5500 Old Lower Valley Pike ~ Bethel Township.

Motion by Mr. Potter, second by Mr. Barclay to approve the Conditional Use of Chapter 2, Section A, Chapter 7, Section 127 of the Clark County Zoning Resolution to permit the operation of a pay fishing lake on approximately two acres, with a bait house.

**VOTE: Motion carried unanimously.**

Mr. Daniels mentioned there is one case for next month. It will be an extension of a gravel pit on Haddix Road for Barrett Paving Materials.

## ***ADJOURNMENT***

#### BZA-6-15-06 ~ Adjournment

Motion by Mr. Barclay, second by Mr. Potter to adjourn the meeting.

**VOTE: Motion carried unanimously.**

## **Minutes**

## **Board of Zoning Appeals**

The meeting was adjourned at 10:15 a.m.

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Rich Foster, Vice-Chairman



**BZA-2006-5 - Conditional Use - Mad River Township  
Barrett Paving Materials, Inc. - 10658 Haddix Road**

**Date of Meeting:** July 20, 2006

**TO:** Board of Zoning Appeals

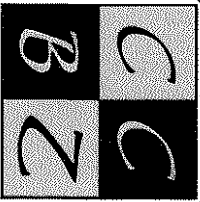
**FROM:** Planning Staff

**APPLICANT'S REQUEST:**

The applicant is seeking a Conditional Use of Chapter 2, Section A, Article 5, Chapter 7, Section 129 of the Clark County Zoning Resolution. Said section requires conformance with regulations of resource and mineral extraction. Granting this request would permit the applicant to have a mining pit for gravel and sand extraction on approximately 87 acres situated south of Interstate 70, along Mad River and fronting on Haddix Road.

**STAFF'S ANALYSIS:**

The plant operations will be undertaken at the current Haddix Road facility location, 10400 Haddix Road with no projected use of street right-of-way necessary for operations on the subject property. The area from which materials are proposed to be extracted is an area of approximately 70 acres.



# Clark County Zoning Regulations

937.328.2495  
937.328.2821 fax  
email: bldgregs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghter  
Director

July 12, 2006

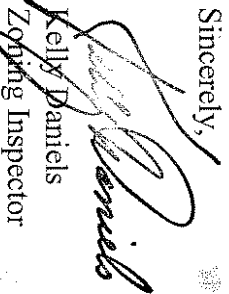
Dear Applicant:

On **July 20, 2006**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building**, formerly known as **Springview Developmental Center**, 3130 E. Main Street Springfield, Ohio. The purpose of this hearing is to review your request for a Conditional Use.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels  
Zoning Inspector

la

**JAMES F. PEIFER**

**ATTORNEY AT LAW**

SUITE 300, THE EDISON CENTER  
20 SOUTH LIMESTONE STREET

P. O. BOX 1087

JOHN D. EMERICH  
JAMES F. PEIFER  
QUINTON R. DRESSEL

SPRINGFIELD, OHIO 45501-1087

TELEPHONE 937-325-7365

TELEFAX 937-325-9584

THOMAS T. TAGGART

(1926-1988)

RICHARD H. WEHLER

(1924-1992)

June 6, 2006

CLARK COUNTY BOARD OF  
ZONING APPEALS  
25 W PLEASANT ST  
SPRINGFIELD OH 45506

Members of the Board:

Transmitted herewith is the Application for Conditional Use of Barrett Paving Materials, Inc. related to an approximately 87.0556 acre tract of real estate situated south of Interstate 70 along the Mad River and fronting on Haddix Road, Clark County, Ohio. The purpose for the request is for a proposed sand and gravel mining operation to be located on the site. Enclosed with the application and this letter are the following: Plat map showing the area which is the subject matter of the Application for Conditional Use, a map showing the grading and reclamation plan, a legal description for the 87.0556 acre tract, a list of property owners within 200 feet of the territory proposed for conditional use and the required application fee.

The property is currently owned by Lynda Kae Kirkendall and the applicant has an Option Contract to Purchase the same from her. The location of the site is immediately adjacent to lands owned by Barrett Paving Materials, Inc. on the east and B&G Bituminous which is owned by Barrett Paving Materials, Inc. to the south. Additionally, the tract is located in a floodplain area not particularly conducive to any kind of development. Barrett proposes to conduct the same type of operation on the subject property as is currently undertaken by property owned or controlled by Barrett abutting or in the immediate vicinity of the subject property. The plant operations will be undertaken at the current Haddix Road facility located at 10400 Haddix Road with no projected use of street right-of-way necessary for operations on the subject property. The same equipment which is currently used on the adjacent property will be used in connection with the proposed conditional use for the subject property.

The land in question is currently zoned agriculture A-1. The area from which materials are proposed to be extracted is an area of approximately 70 acres. The reclamation plan for the area would be a lake. The proposed method of removal will be



through the use of drag line, bulldozer and front end loader. There will be no blasting. Banks of the lake will be graded to a maximum 3:1 slope to insure ingress and egress and access will be provided at a maximum 15 degree slope at locations yet to be determined. The actual removal operation will be undertaken by Barrett. The proposed timetable that Barrett proposes to conduct the removal operation is over a period of 15-25 years (depending on the ultimate depth of the operation) commencing within five years after approval and ending as set forth above. The removal operation may be undertaken in one or more phases but the applicant has not determined that yet as it is related to the depth of the removal operation which is anticipated to be determined at a later time.

The hours of operation anticipated are from 6:00 a.m. to 7:00 p.m. daily except for Sunday on which there will be no removal operation. The type of resources or materials expected to be removed are sand and gravel and the estimated annual production rates for each material are as follows: one-half million tons per year.

The type and number of equipment to be used in all operations on the tract is as follows: drag line, bulldozer and front end loader.

The estimated cost of restoration of the subject property is approximately \$87,000.00.

Any materials that could cause fire or explosion will be stored in accordance with the regulations of the Fire Marshal, the Ohio and U.S. Environmental Protection Agencies, and the Occupational Safety and Health Administration.

All emission of air pollutants for processes on this property are regulated by the Ohio Environmental Control Agency. Prior to the start of any operations on this property, appropriate permits must be obtained.

Combustion activity on this property will be confined to the inside of a dryer (metal drum containing aggregate).

Fugitive dust will be regulated under Barrett's Air Permit from the Ohio Environmental Protection Agency. Any erosion on site will be contained within the boundary of the property. Any slopes with runoff to the exterior of the property will be vegetated.

No liquid or solid wastes will be discharged into the sewer system or the ground that could contaminate the water supply or interfere with the bacterial processes in the sewage treatment.

No uses or equipment will be installed in a manner that will produce earthshaking vibrations discernible at or beyond the property lines. EPA noise standards will be adhered to.

No odors will be produced that will be perceptible beyond the property lines.

Any use and/or storage of toxic materials shall be done in compliance with the rules of the Ohio EPA and other applicable agencies.

Any use and/or storage of chemicals shall be done in accordance with the rules of the Ohio EPA and other applicable agencies.

It is not anticipated that any radioactive materials will be used or stored. In the event of the same, all materials used or stored on site will be used or stored in accordance with all applicable rules and regulations of the Atomic Energy Commission and any other applicable agency.

Barrett currently holds a total of six surface mining permits in the State of Ohio at the following respective locations: one in Medway, Ohio (adjacent to the subject site); one in Fairborn, Ohio; two in West Carrollton, Ohio; one in Dayton, Ohio; and one in Ludlow Falls, Ohio.

Submitted with this application by the applicant is a map showing current and proposed drainage including proposed retention/detention areas, if applicable; the approximate boundary of the total extraction area and the perimeter of the water area, if applicable; the location of existing structures and uses; all current and proposed road right-of-way and easements within 500 feet.

The processing plant to be used is located on adjacent property owned by Barrett at its Haddix Road address at 10400 Haddix Road, Fairborn, Ohio and no processing plant or structure is anticipated on the subject site.

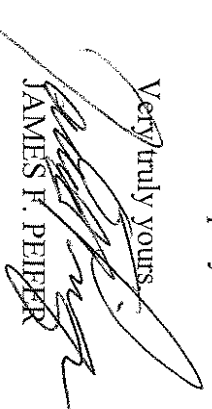
Currently located on the subject property is a single family home and rental, garage and barn. None of these facilities are needed or anticipated to be used in the applicant's sand and gravel operation. The applicant does not propose any new buildings to be located on the site. Submitted with this application is a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. The plan will include the surrounding areas within 500 feet of the property boundary line, shown to contour levels of 5 feet or less.

The applicant will comply with all other applicable provisions of the Clark County Zoning Code relative to the proposed operation.

The applicant believes that mineral extraction is a reasonable use for this property due to its location in a floodplain and its location in a restricted area of the Wright Patterson Air Force Base Flight Path. The use of the property for mineral extraction will increase the volume of flood water that can be stored within the boundaries of the Miami Conservancy District. Furthermore, because the subject property is located in a floodplain area, it is not conducive to other types of development. Once mining operations are completed at the site, the remaining property will be a large lake with the overall area being an asset to the surrounding area.

The applicant has not submitted a permit with the Ohio Department of Natural Resources, Division of Reclamation because the ODNR no longer issues permit until the local zoning authority has given its approval for mining operation. It should be noted that Barrett Paving Materials, Inc. has a valid permit in force for the property at 10400 Haddix Road for its existing sand and gravel mining operations in the immediate vicinity of the subject property. Barrett expects to amend the above-referenced permit upon approval of the subject application. Barrett anticipates no impediment with ODNR in granting such amendment.

The applicant, Barrett Paving Materials, Inc., hereby requests that the Board of Zoning Appeals grant conditional use approval for the subject tract for use in the proposed sand and gravel operations of the Company.

Very truly yours,  
  
JAMES F. PEIPER

JFP/jac

Enclosures



**MIAMI  
CONSERVANCY  
DISTRICT**

*BOARD OF DIRECTORS*  
William E. Lukens  
Gayle B. Price, Jr.  
Thomas B. Rentschler  
*GENERAL MANAGER*  
Janet M. Bly

June 7, 2006

Mr. Steve Williamson  
Barrett Paving Materials, Inc.  
2551 Needmore Road  
Dayton, Ohio 45414

Re: Huffman Retarding Basin, Range 8, Town 3, Section 29, Mad River Township, Clark County, Ohio, County Parcel No. 180-10-000-29-200-001, MCD Parcel No. 3229, 88.8 Acres

Dear Mr. Williamson:

Miami Conservancy District (MCD) records indicate the above-referenced property is located within the Huffman Retarding Basin. The property is subject to all terms and conditions of a Flooding Easement (MCD Parcel No. 3229) granted to the Miami Conservancy District on March 6, 1924 as recorded in Clark County Deed Book 234, Page 434.

All construction within the Huffman Retarding Basin must be in compliance with MCD Building Restriction policies including, but not limited to, the following requirements:

1. Prior to the modification and/or construction of any habitable structure, either commercial or residential, the **NATURAL** ground elevation at the existing and/or proposed building site MUST be at or above the minimum building elevation of 830.0
2. **NO** openings (doors, windows, vents, etc.) below the minimum building elevation of 830.0 will be permitted within any new and/or modified habitable structure.
3. **NO** fill material is to be placed anywhere on the property below the spillway elevation of 835.0 without prior written approval from the Miami Conservancy District. All material excavated during construction must be removed to an elevation above 835.0 or removed from the Huffman Retarding Basin.
4. The property owner must acquire written approval from the Miami Conservancy District prior to the construction of any structure below the minimum building elevation of 830.0. Furthermore, upon completion, all newly constructed and/or remodeled structures must be approved by MCD prior to use and/or occupancy.

Mr. Steve Williamson  
June 7, 2006  
Page 2

The proposed development and use of a gravel mining operation within the Huffman Retarding Basin would be in compliance with those restrictions as set forth by the Miami Conservancy District. Prior to the construction and/or placement of any structures a permit will be required from the Miami Conservancy District.

If you have any further questions or need additional information please contact me, at (937) 223-1278, Ext. 3219.

Very truly yours,



Richard L. Doran  
Property Administrator

cc: Bill Bogan, Caretaker  
Lynda K. Kirkendall, Property Owner

File: H3-180-10-000-29-200-001

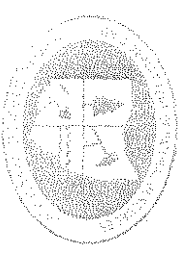
12/17/2004



# Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR



## Ohio Department of Natural Resources Division of Mineral Resources Management

*Michael L. Sponster, Chief*

505 South State Route 741  
Lebanon, OH 45036-9518

Phone: (513) 933-6718 Fax: (513) 933-9245

June 12, 2006

Barrett Paving Materials, Inc.

P.O. Box 13591

Dayton, OH 45413

Attn: Steve Williamson

Re: Barrett Paving Materials Inc. IM-394 (Medway Road Plant) Permit Status

Dear Mr. Williamson,

Enclosed per your request on June 7, 2006 is a letter regarding the status of the above referenced Barrett Paving Materials Inc. surface mine permit which is located in Clark, Greene, and Montgomery County, Ohio. The surface mine permit was issued on June 29, 1977 and is in effect until June 29, 2007 at which time, it will be eligible for renewal. The permit was issued for mining sand and gravel on the site.

At the present time, 734.2 acres are on the mining permit including the 82.5 acres amended to the permit on October 18, 2005. As of the last annual report, approved in July 2005, 274.8 acres have been affected by mining 97.0 acres are bonded and 177.8 acres has been granted total bond release. Barrett Paving Materials Inc. is current with their reclamation plan and has done an excellent job in reclaiming past affected areas of the mining site.

A review of the permit file indicates that there are no outstanding violations of the Ohio surface mine law (Chapter 1514 Ohio Revised Code) as of my last inspection on April 26, 2006. The permit is in good standing with regard to Chapter 1514 of the Ohio Revise Code. As you know, Chapter 1514 revolves around where you mine, where you place the overburden you remove to mine the minerals, as well as the mining and reclamation plan requirements for the area affected by mining. Therefore, this letter only addresses the surface mine law under Chapter 1514 and does not cover any other state, local, or federal statutes that may be relevant or applicable to other activities occurring on this mine site including sand and gravel processing, as well as concrete production.

If you have any questions or need further information, do not hesitate to contact me at the above number or cell phone (937) 269-2469.

Respectfully,

Michael J. Mitchell

Mineral Resources Inspector

ODNR, Division of Mineral Resources Management

Cc: file



D    ARTMENT OF THE AIR FORCE  
2750TH CIVIL ENGINEERING SQUADRON (AFLC)  
WRIGHT-PATTERSON AIR FORCE BASE, OHIO 45433-5000

5 JUN 1990

Mr Carl R. Pettit  
3770 Dayton Road  
Springfield OH 45502

Dear Mr Pettit

Per your request, we reviewed your location on Haddix Road for the maximum heights permitted for a mining operation. It is our opinion that you may operate up to a height of 913 feet above mean sea level (MSL). Estimating from topography maps that your farm is approximately at an elevation of 840 feet MSL, a crane 60 feet high falls below the 913 feet and would thus be permissible.

Please keep in mind that you may be permitted to exceed the 913 feet up to 953 feet MSL; however, to do this an application for review by the FAA would be required. As you previously estimated equipment only 50 to 60 feet in height, the FAA application does not seem necessary at this time.

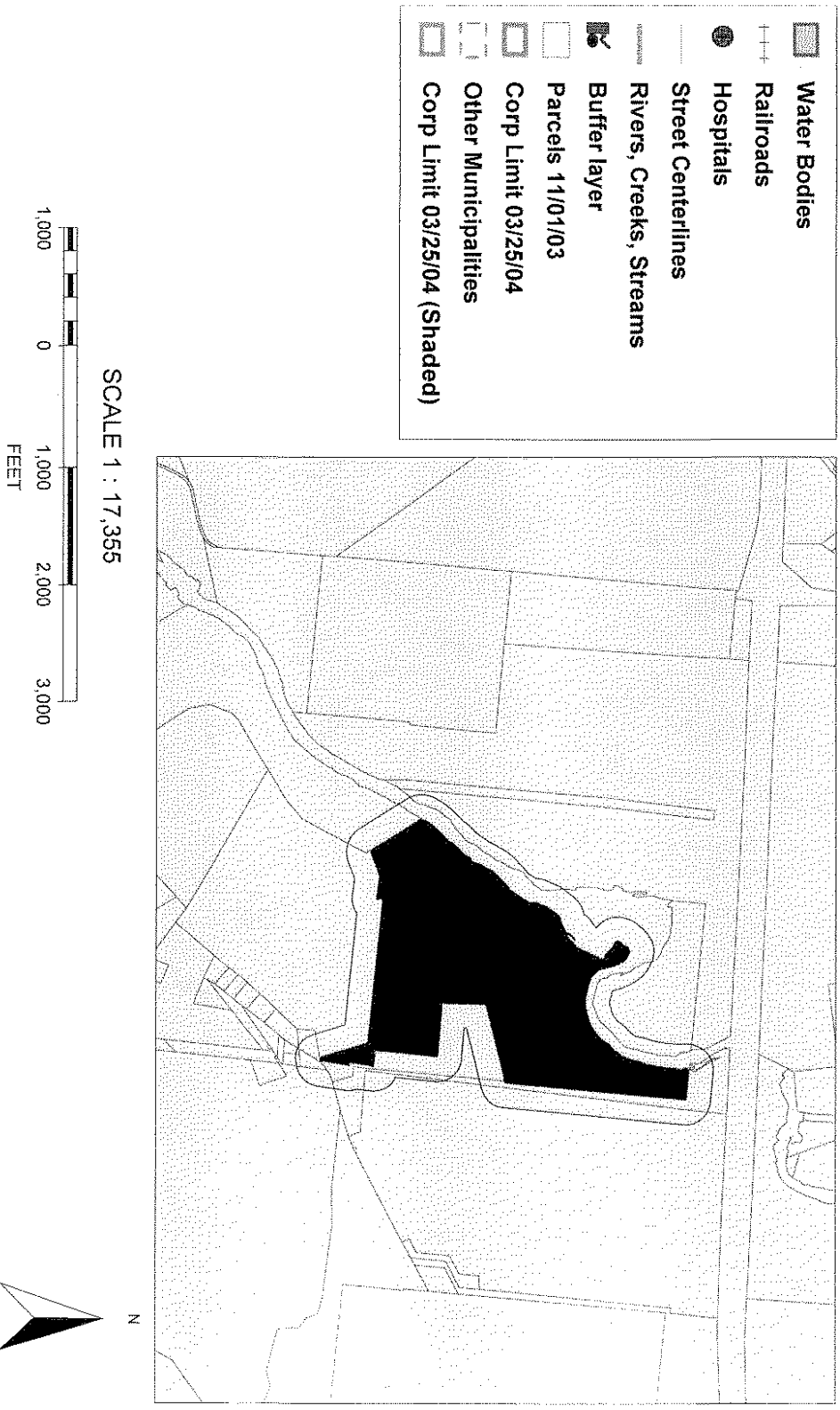
If there are any questions, feel free to contact me or Frank Tokarsky at 257-8018; we hope this information is helpful.

Sincerely

A handwritten signature in dark ink, appearing to read "Don Beam", is written over a horizontal line.

DON BEAM, Chief  
Real Estate Management Office  
Engineering & Construction Branch

# MGMMap1





Situate in the County of Clark, Township of Mad River, State of Ohio, and bounded and described as follows:

Being in Section 29, Township 3, Range 8 MRS, and described as follows: Beginning at an iron pin in the center of the public road leading northeasterly from the old Village of Osborn and on the westerly right of way line of the relocated I.C. & E. Traction Company, said pin being 46 feet at right angles from the center line of the main track of said traction company, thence North 5 degrees 35' East, 1528.39 feet along said right of way line to an offset therein, thence North 65 degrees 35 1/2' East, 11.53 feet, thence North 5 degrees 35' East, 1476.00 feet along said right of way line and 36 feet at right angles from the center line of said track to a stake on the north line of said Section 29, thence North 85 degrees 14' West, along said section line 352.60 feet to the center of Mad River, thence down Mad River the following courses: South 26 degrees 24' West, 300.20 feet; South 55 degrees 41' West, 145.60 feet; North 81 degrees 58' West, 321.69 feet; South 76 degrees 59 1/2' West, 210.77 feet; South 53 degrees 35 1/2' West, 193.52 feet; South 70 degrees 12 1/2' West, 353.49 feet; South 57 degrees 09' West, 301.68 feet; South 19 degrees 16 1/2' West, 434.87 feet; South 30 degrees 18' West, 351.97 feet; South 39 degrees 22 1/2' West, 381.10 feet; South 28 degrees 37' West, 231.84 feet; South 29 degrees 07 1/2' West, 264.48 feet to a point in the center of the abandoned I.C. & E. Traction Company bridge; thence South 48 degrees 15' East 359.29 feet along abandoned location of the I.C. & E. Traction Company to an iron pin; thence South 25 degrees 21' East 95.23 feet to an iron pin; thence South 4 degrees 01' West 43.06 feet to a stake on a fence line; thence North 70 degrees 57' East 28.25 feet to a stake; thence North 27 degrees 31' East, 169.25 feet to a stake; thence North 67 degrees 43' East, 127.54 feet to a stake; thence South 82 degrees 04' East, 207.30 feet to a stake; thence North 89 degrees 01' East 100.95 feet to a stake at a fence corner, thence North 2 degrees 42' East, 53.39 feet to a stake at a fence corner, thence South 85 degrees 18' East, 1310.35 feet along the general line of a fence to a stake at a gate post; thence South 4 degrees 25' East, 130.28 feet to a stake; thence South 14 degrees 26 1/2' East, 250.44 feet to an iron pin in the center of the public road first mentioned above; thence North 28 degrees 33 1/2' East, 29.61 feet along the center of said road to the point of beginning; containing 95.78 acres, more or less, and being parts of tracts conveyed to the Miami Conservancy District by the following: Fay Shurtle, by deed recorded in Deed Book 203, Page 554; The Tranchant and Finnell Company, by deed recorded in Deed Book 208, page 244; Bessie S. Shafter by deed recorded in Deed Book 203, Page 552, and by Frank and Amelia Haddix by deed recorded in Deed Book 203, Page 391, all of the Deed Records of Clark County, Ohio; and also containing part of the abandoned right of way of the I.C. & E. Traction Company; and also by J.J. Whaley, by deed recorded in Deed Book 208, Page 391.

Subject, however, to all covenants, conditions, restrictions, and easements of record, and legal highways.

Prior Instrument Reference: Vol. 716, Page 717 of the Deed Records of Clark County, Ohio.

**EXCEPTING THEREFROM** a certain 8.7244 acre tract conveyed to Eric Lee Boling and Sally Louise Boling and recorded at Book 497, Page 159-161 of the Deed Records of Clark County, Ohio, and further described as follows:

Situate in the State of Ohio, County of Clark and in the Township of Mad River, and bounded and described as follows:

Located in Section 29, Town 3, Range 8, M.R.S., Mad River Township, Clark County, Ohio, and being further described as follows:

Beginning at a spike found in the centerline of Haddix Road on the Greene-Clark County Line, an existing Greene County Benchmark set on the north line of Greene County bears south eighty-four degrees three minutes thirty-two seconds (84 deg. 03' 32") west a distance of thirty-four and 99/100 (34.99) feet;

Thence in a northeasterly direction with the centerline of Haddix Road for the following six (6) courses:

- 1) north thirty-seven degrees forty minutes no seconds (37 deg. 40' 00") east for a distance of one thousand fifty-one and 23/100 (1051.23) feet to a spike found at an angle point;
- 2) north twenty-one degrees nineteen minutes two seconds (21 deg. 19' 02") east for a distance of four hundred three and 21/100 (403.21) feet to a spike found at an angle point;
- 3) north twenty-four degrees fifty-five minutes twenty-one seconds (24 deg. 55' 21") east for a distance of eighty-six and 94/100 (86.94) feet to a spike found at an angle point;
- 4) north thirty-eight degrees twenty-six minutes thirty-one seconds (38 deg. 26' 31") east for a distance of four hundred thirty-six and 85/100 (436.85) feet to an angle point;
- 5) north thirty-nine degrees thirty-one minutes forty-seven seconds (39 deg. 31' 47") east for a distance of three hundred thirty-five and 82/100 (335.82) feet to an angle point;
- 6) north thirty-one degrees twenty-eight minutes three seconds (31 deg. 28' 03") east for a distance of two hundred fifty-eight and 30/100 (258.30) feet to a spike set at the southwest corner of land conveyed to Larry L. Molen, by deed recorded in Volume 876, Page 338, of the Deed Records of Clark County, Ohio, said spike also being in the westerly line of a former Indiana, Columbus and Eastern Traction Company Right-of-Way, said point being the true point of beginning for the tract herein described.

thence in a northwardy direction with the westerly line of said Molen land, and also west line of said Traction Right-of-Way, on a bearing of north six degrees fifteen minutes twenty seconds (06 deg. 15' 20") east for a distance of two hundred sixty-nine and 42/100 (369.42) feet to an iron pin set at a new division line by this survey, this course passes an iron pin set on the northerly right-of-way line of Haddix Road at 69.80 feet.

thence in a westwardly direction with said new division line on a bearing of north eighty-three degrees forty-four minutes forty seconds (83 deg. 44' 40") west for a distance of twenty-five and no/100 (25.00) feet to an iron pin set.

thence continuing with a new division line in a northwardly direction on a bearing of north six degrees fifteen minutes twenty seconds (06 deg. 15' 20") east for a distance of two hundred fifty-five and 87/100 (255.87) feet to an iron pin set, this course passes the north line of the southeast quarter of Section 29 at 175.72 feet.

thence in a westwardly direction, continuing with a new division line, on a bearing of north eighty-three degrees forty-four minutes forty seconds (83 deg. 44' 40") west for a distance of ninety-nine and no/100 (99.00) feet to an iron pin set.

thence continuing with a new division line in a northwardly direction on a bearing of north three degrees thirty-six minutes forty-six seconds (03 deg. 36' 46") east for a distance of five hundred twenty-three and 88/100 (523.88) feet to an iron pin set.

thence continuing with a new division line in a westwardly direction on a bearing of north eighty-six degrees forty-three minutes six seconds (86 deg. 43' 06") west for a distance of four hundred fifty-seven and 55/100 (457.55) feet to an iron pin set.

thence continuing with a new division line in a northwarily direction on a bearing of north two degrees thirty minutes thirty-one seconds (02 deg. 30' 31") east for a distance of three hundred sixty-nine and 22/100 (369.22) feet to an iron pin set on the south bank of the Smith Ditch;

thence in an eastwardly direction following the edge of Smith Ditch on a bearing of north seventy-nine degrees thirty minutes forty-seven seconds (79 deg. 30' 47") east for a distance of six hundred fifty-seven and 07/100 (657.07) feet to a point on the westerly line of said Molen land and west line of said Traction Company Right-of-Way;

thence in a southwardly direction with said west line of Molen land and Traction Company Right-of-Way on a bearing of south six degrees fifteen minutes twenty seconds (06 deg. 15' 20") west for a distance of one thousand two hundred seventy-three and 17/100 (1273.17) feet to an iron pin set at the northwest corner of a 561/1000 (0.561) acre tract as conveyed to Ronnie Dale Boling and Linda Kae Boling by deed recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the Official Records of Clark County, Ohio, this course crosses said north line of the southeast quarter of Section 29 at 1137.45 feet;

thence in an eastwardly direction with the northerly line of said Boling land on a bearing of south eighty-three degrees forty-four minutes forty seconds (83 deg. 44' 40") east for a distance of seventy-seven and 85/100 (77.85) feet to an iron pin set at the northeast corner of said Boling land;

thence in a southwardly direction with the easterly line of said Boling land on a bearing of south twenty-two degrees twenty minutes fifty-five seconds (22 deg. 20' 55") east for a distance of one hundred forty-five and no/100 (145.00) feet to a spike set in said centerline of Haddix Road, this course passes an iron pin set on said northerly right-of-way line of Haddix Road at 115.00 feet;

thence in a westwardly direction with said centerline of Haddix Road on a curve to the left having a radius of two hundred eighty-eight and 62/100 (288.62) feet for a distance of one hundred eighty-two and 27/100 (182.27) feet to a spike set at the point of tangency, the chord bearing for said curve is south 49 degrees 33' 34" west and the chord distance is 179.26 feet; thence continuing with said centerline of Haddix Road in a westerly direction on a bearing of south thirty-one degrees twenty-eight minutes three seconds (31 degrees 28' 03") west for a distance fifty-seven and 11/100 (57.11) feet to the true point of beginning containing eight and 7244/10000 (8.7244) acres and being subject to all easements and roadways of record.

The reference bearing for this survey is north thirty-seven degrees forty minutes no seconds (37 degrees 40' 00") east, which is the bearing for the centerline of Haddix Road as determined by a previous survey recorded in Volume 11, Page 212, of the Survey Records of Clark County, Ohio.

The above description is based on a field survey conducted by Louis A. Green, Registered Surveyor Number 6147, State of Ohio, completed November 9, 1995, survey was recorded in Vol. 13 Page 37 of the Clark County, Ohio Engineer's Land Survey Records.

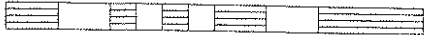
Prior Deed Reference: Vol. 497, Page 159-161 of the Clark County, Ohio Deed Records.

**ALSO EXCEPTING THEREFROM** and being subject to certain Miami Conservancy District flooding rights documented of record in Vol. 870, Page 540, and Deed Book 234, Page 434.

**ALSO EXCEPTING THEREFROM** and being subject to, with rights both subservient and dominant, a certain Joint Easement Agreement of date October 10, 1996 recorded at Book 682, Page 177.



200 0 100 200 400 600



SCALE : 1"=200' (1:2400)

CONTOUR INTERVAL : 5 FEET

Barrett

Paving

Materials

Inc.

2551 Needmore Road  
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Dayton, OH 45413-0591

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Fax: 937-279-3205

HADDIX ROAD FACILITY

CURRENT SITE MAP

Per Section 129 Requirements

Drw. No. 20060605-1  
R. E. Martin

AMERICAN AGGREGATE

ORIG. 152.489 ACRES

VOL. 495, PG. 124

ID 0101000029100004

ID 0101000029100005

ID 0101000029100006

AMERICAN AGGREGATE

ORIG. 152.489 ACRES

VOL. 495, PG. 124

ID 0101000029100004

ID 0101000029100005

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ERIC L. & SALLY E. BEISING

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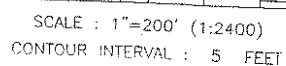
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HADDIX ROAD FACILITY  
MINING PLAN SITE MAP  
Per Section 129 Requirements  
Drw. No. 20060605-2  
R. E. Martin

